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Theresa Jensen
Director- Washington Regulatory Affairs
Policy and Law

August 8, 2001

Ms. Carole Washburn
Executive Secretary
Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S. W.
P. O. Box 47250
Olympia, Washington 98504-7250

Re: Docket No. UT-010558 Cessation of Certain Telecommunications Services

Attention: Tom Wilson

Dear Ms. Washburn:

On July 13, 2001, Qwest Corporation ("Qwest") submitted written comments pursuant to the Commission's June 7, 2001 Notice of Opportunity to File Written Comments in the above referenced docket. Qwest's initial comments encouraged the Commission to retain the existing rule without further revision. At the June 28, 2001 workshop Qwest reviewed the issues it has faced when customers change carriers and have a difficult time reestablishing service. The issues most frequently experienced include number portability issues and continuance of service provisioned by more than one telecommunications provider. On July 18, 2001, the Commission staff requested further comment from Qwest on these issues. On July 24, 2001 Qwest filed supplemental comments in response to staff's request. On July 27, 2001 the Commission staff issued proposed changes to WAC 480-120-083. Following are Qwest's comments on the latest draft proposal.

These supplemental comments include the following requests:

- A request to retain the existing application of this rule to only those services required by customers to provide "voice access" to the public switched network;
- A request that the existing rule be modified to exempt notice requirements for termination of service under contract;
- A request to modify the rule to require UNE service and circuit identification information as opposed to UNE service and circuit design information;

- A request to restrict all providers who receive such notice from using the information received to market or sell their services; and
- A request to exclude the requirement to provide "supplier" information to the subsequent provider.

If you have any questions concerning these proposed changes please call me at 206-345-4726.

Very truly yours,

**July 8, 2001 Supplemental Comments of Qwest Corporation in
Docket No. UT-010558
Cessation of Certain Telecommunications Services**

On July 13, 2001, Qwest Corporation ("Qwest") submitted written comments pursuant to the Commission's June 7, 2001 Notice of Opportunity to File Written Comments in the above referenced docket. Qwest's initial comments encouraged the Commission to retain the existing rule without further revision. At the June 28, 2001 workshop Qwest reviewed the issues it has faced when customers change carriers and have a difficult time reestablishing service. The issues most frequently experienced include number portability issues and continuance of service provisioned by more than one telecommunications provider. On July 18, 2001, the Commission staff requested further Qwest comment on these issues. On July 24, 2001 Qwest filed supplemental comments in response to staff's request. On July 27, 2001 the Commission staff issued proposed changes to WAC 480-120-083. Following are Qwest's comments on the latest draft proposal.

- 1) The existing rule has been modified to apply to all telecommunications services. The emergency rule applied to local exchange service, private branch exchange service, Centrex service and private line service.**

The proposed rule now states:

(1) No telecommunications company may cease to provide telecommunications services in the state of Washington unless it first provides written notice to the following persons at least 30 days in advance of cessation of service:

The change in subsection (1) from "covered service" to "telecommunications services" is significant. The original limitation of "covered services" was intended to address those services that provide "voice access" to the public switched network. The degree of notice required by the proposed rule is not necessary for discretionary services. Particularly when those discretionary services are offered by competitive telecommunications companies or are competitively classified services. The application of this rule should continue to apply only to the original "covered services". Should the Commission choose to adopt the broader requirement, which requires notice for all telecommunications services, the exception in subsection (8)(b) needs to be revised.

- 2) The existing rule should be modified to exempt notice requirements for termination of service offered under contract.**

The proposed rule now requires application of the rule requirements when a service offered under contract is terminated when the notice provision is less than 30 days. Subsection (8)(b) exempts notice requirements contained in this rule under the following condition:

(8)(b) Termination of a service as provided for by the terms of a contract between the company and the customer when the notice provision for termination is 30 days or longer;

Qwest respectfully requests (8)(b) be modified to exclude the 30 day qualification. The proposed qualification would require notice provisions when a company wishes to terminate service immediately or within thirty days. The 30 day qualification at a minimum should only apply to those circumstances where a company wishes to terminate service and the customer wishes to retain such service; it should not apply when both parties choose to terminate service. However all notification requirements for termination of service offered under contract are unnecessary where such contracts address termination of service. The Commission could modify the contract rules to require that termination of service provisions be included in all contracts. (8)(b) should be revised as follows:

(8)(b) Termination of a service as provided for by the terms of a contract between the company and the customer;

3) The proposed rule should be modified to require UNE service and circuit identification information not circuit design information.

Subsection (4) should be revised from "UNE service and circuit design information" to "UNE service and/or circuit identification information". The actual circuit design information is not necessary and is proprietary information. However, the circuit number or identification may be useful in the reassignment of UNE service or circuits by the underlying carrier from one provider to another provider as selected by the customer. Subsection (4) should be modified as follows:

(4) The notice to ILECs required in subsection (1)(d) must, at a minimum, include the date telecommunications service will cease, and identify the UNE components in relationship to the service information provided to the customer when such information differs from the ILEC's identification information of such services as billed to the exiting telecommunications company. For example, if the ILEC identifies a UNE loop with a circuit identification number, the exiting telecommunications company must provide the ILEC with the customer telephone number assigned to the ILEC's UNE loop circuit identification number. The notice must also include telephone contact information to enable the ILEC or new provider to obtain UNE service and circuit design *identification* information needed to establish service for a customer who will no longer receive service from the exiting telecommunications company.

This same revision should also be made at (5)(b) as follows:

(b) The notice required in subsection (1)(e) must also include telephone contact information to enable the supplier or new provider to obtain underlying service and circuit design *identification* information needed to establish comparable replacement service for a customer who will no longer receive service from the exiting telecommunications company.

4) Proposed rule (4)(b) should apply to all providers who receive notice under this rule provision not just ILECs.

Subsection (4)(b) states the following:

ILECs may not use the information in the notice(s) required in this subsection for their own marketing or sales purposes.

This requirement should be included in subsection (5) of the proposed rule. Qwest proposes the following addition to subsection (5):

(d) Suppliers may not use the information received as part of the notice(s) required in subsection (1)(e) for their own marketing or sales purposes.

Subsection (4)(b) should also be modified as follows:

(4)(b) ILECs may not use the information received as part of the notice(s) required in subsection (1)(d) for their own marketing or sales purposes.

5) The proposed rule should be modified to exclude (5)(c).

Proposed subsection (5)(c) states the following:

(c) Telecommunications companies that are suppliers of underlying or wholesale telecommunications services shall provide the information in the required notice(s) to the subsequent provider upon a request authorized by the customer.

Subsection (5)(c) should be eliminated. If the subsequent provider wishes to provide service to the customer utilizing the UNEs or resold service previously purchased by the provider ceasing service, and that provider has notified the supplier in accordance with the proposed rule, the new (subsequent) provider will not need the supplier information. They will simply need to provide the customer's telephone number and/or the underlying supplier's circuit identification number and the services they wish to retain on behalf of the customer who has authorized such. If the provider ceasing service has notified the supplier in accordance with these rules then the supplier can transfer the UNEs or resold service to the new (subsequent) provider based on the information provided by the carrier ceasing business.

The new provider does not need the underlying carrier's (the supplier's) information; the new provider needs the information of the carrier ceasing business. This proposed obligation creates an added burden for the underlying "supplier" in that the supplier may or may not have a role in the continued provision of service to the end user and such information will not provide any benefit to the new provider. If the new provider chooses to continue using the services of the underlying provider (supplier), the supplier may assign new circuit identification labels to such services to separate billing between the carrier ceasing business and the new provider. Qwest respectfully requests this proposed provision be omitted.